

VIA FACSIMILE (703) 872-9306

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Claims 2-3, 5-26, 28-29, 31-36, 38-39, and 41-69 are pending in this application. Claims 1, 4, 27, 30, 37, and 40 were previously canceled. Claims 2-3, 5-26, 28-29, 31-36, 38-39, and 41-69 stand rejected.

In accordance with 37 C.F.R. 1.136(a), a one month extension of time is submitted herewith to extend the due date of the response to the Office Action dated November 20, 2003, for the above-identified patent application from February 20, 2004, through and including March 22, 2004. In accordance with 37 C.F.R. 1.17(a)(3), authorization to charge a deposit account in the amount of \$110.00 to cover this extension of time request also is submitted herewith.

The rejection of Claims 2, 5-7, 9-26, 28-29, 31-36, 38, and 47-69 under 35 U.S.C. § 103(a) as being unpatentable over Torimitsu (U.S. Patent No. 5,460,006) in view of Gelber et al. (U.S. Patent No. 6,378,315) is respectfully traversed.

Torimitsu describes a plurality of "food storage apparatuses 10-1 to 10-4 each include a cooler or an evaporator 12 disposed within a storage cabinet 11 and a refrigerant circulation device 13 connected to the cooling device 12 as well as in a refrigerator or a freezer". Column 2, line 66 to column 3, line 2. Torimitsu also describes that in addition to control of the internal temperature of the storage cabinet, a cooling controller (17) is designed to control defrost of the evaporator and to monitor operating condition of the refrigerant circulation device. In control of defrost of the evaporator, the cooling controller controls the energized condition of the hot gas valve in the refrigerant circulation device through a group of relay circuits (18) at a predetermined time interval for supplying a hot gas into the evaporator from the compressor. Column 3, lines 45-54.

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Torimitsu also describes that the food storage apparatuses (10-1 to 10-4) each are provided with an external interface composed of an analog to digital or A/D converter (21), a data forming circuit (22), a parallel-serial conversion circuit (23) and an output circuit (24). The A/D converter is connected to a setting device (14) and a plurality of temperature sensors (15 and 16) to convert analog signals from the setting device and sensors into corresponding digital signals for applying them to the data forming circuit. The data forming circuit is connected to the A/D converter and the cooling controller to temporarily memorize the digital signals and a control signal respectively applied from the A/D converter and cooling controller. The data forming circuit is designed to add the input data to a start code SC, an identity data ID and an end code ED for forming a set of data and applying it to the parallel-serial conversion circuit. The parallel-serial conversion circuit is designed to convert the set of data in parallel-serial, and the output circuit is arranged to apply the set of converted data to a signal receiver (10) in a serial format. Column 4, lines 2-20.

Torimitsu also describes that the signal receivers each may be provided with signal transmit-receive means for receiving the electric signals from the food storage apparatuses through a telephone line and for transmitting the electric signals to an external device therefrom through the telephone line. In this case, the operating condition of the respective food storage apparatuses can be remotely monitored by the electric signals applied through the telephone line at a place apart from the signal receivers. Column 2, lines 18-27. Notably, Torimitsu is silent with respect to wireless communication.

Gelber et al. describe a refrigeration system (10) including a plurality of compressors (12) in combination with a main controller (30), wherein the main controller is programmed to execute a control algorithm and includes configuration and logging capabilities. (Col. 3, lines 32-65). The main controller logs and analyzes temperature data, and controls the temperature of a plurality of display cases (22) based on the monitored temperature data. (Col. 6, lines 47-49). The main controller is wirelessly coupled to a Radio Frequency (RF) device. (Col. 6, lines 25-

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35). Notably, the main controller 30 is separate from the refrigeration system 10 and is not an attached control. Rather, main controller 30 is a remote control.

Applicants respectfully submit that a prima facie case of obviousness has not been established. As explained by the Federal Circuit, "to establish obviousness based on a combination of the elements disclosed in the prior art, there must be some motivation, suggestion or teaching of the desirability of making the specific combination that was made by the applicant." *In re Kotzab*, 54 USPQ2d 1308, 1316 (Fed. Cir. 2000). MPEP 2143.01.

Moreover, the Federal Circuit has determined that:

[I]t is impermissible to use the claimed invention as an instruction manual or "template" to piece together the teachings of the prior art so that the claimed invention is rendered obvious. This court has previously stated that "[o]ne cannot use hindsight reconstruction to pick and choose among isolated disclosures in the prior art to deprecate the claimed invention."

*In re Fitch*, 23 USPQ2d 1780, 1784 (Fed. Cir. 1992). Further, under Section 103, "it is impermissible . . . to pick and choose from any one reference only so much of it as will support a given position, to the exclusion of other parts necessary to the full appreciation of what such reference fairly suggests to one of ordinary skill in the art." *In re Wesslau*, 147 USPQ 391, 393 (CCPA 1965). Rather, there must be some suggestion, outside of Applicant's disclosure, in the prior art to combine such inferences, and a reasonable expectation of success must be both found in the prior art, and not based on Applicant's disclosure. *In re Vaeck*, 20 U.S.P.Q.2d 1436 (Fed. Cir. 1991). Applicant respectfully submits that the Section 103 rejection of the presently pending claims is not a proper rejection. As is well established, obviousness cannot be established by combining the teachings of the cited art to produce the claimed invention, absent some teaching, suggestion, or incentive supporting the combination. Neither Torimitsu nor Gelber et al., considered alone or in combination, describe or suggest the claimed combination. Additionally, neither Torimitsu nor Gelber et al. provide a reasonable expectation of success.

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Furthermore, in contrast to the assertion within the Office Action, Applicant respectfully submits that it would not be obvious to one skilled in the art to combine Torimitsu with Gelber et al., because there is no motivation to combine the references suggested in the art. Additionally, the Examiner has not pointed to any prior art that teaches or suggests to combine the disclosures, other than Applicant's own teaching. Rather, only the conclusory statement that "[i]t would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the system of Torimitsu such that it included the use of a radio frequency interface in order to provide wireless communication in the refrigeration system in view of the teachings of Gelber" et al. suggests combining the disclosures. Applicant respectfully traverses this conclusory assertion.

In the present case, neither a suggestion nor motivation to modify the cited art, nor any reasonable expectation of success has been shown in the cited prior art. Specifically, no teaching, or suggestion has been shown to modify the refrigeration system described by Torimitsu to include the radio frequency interface described by Gelber et al. Rather as explained below Torimitsu and Gelber et al. teach away from claimed invention.

Specifically, the combination of Torimitsu and Gelber et al. does not teach a method including the steps of providing an attached control that is configured to control a cooling device, and installing a wireless interface in the attached control, wherein the wireless interface includes at least one of a satellite interface, an infra-red interface, and a radio frequency (RF) interface. Rather, Gelber et al. describe a main controller (30) that is separate from the refrigeration system (10) wherein the separate main controller is wirelessly coupled to a Radio Frequency (RF) device (Col. 6, lines 25-35), which clearly teaches away from an attached control with a wireless interface installed. And Torimitsu describes signal receivers that each may be provided with signal transmit-receive means for receiving the electric signals from the food storage apparatuses through a telephone line and for transmitting the electric signals to an external device therefrom through the telephone line, which also clearly teaches away from an attached control with a

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wireless interface installed. Additionally, because Gelber et al. describe a separate main controller wirelessly coupled to a Radio Frequency (RF) device, and Torimitsu describe a cooling controller (17) and signal transmit-receive means for receiving the electric signals from the food storage apparatuses through a telephone line, Gelber et al. and Torimitsu teach away from each other. Therefore, Applicant respectfully submits that no motivation nor teaching for the modifications can be found within either Torimitsu or Gelber et al.

If art "teaches away" from a claimed invention, such a teaching supports the nonobviousness of the invention. *U.S. v. Adams*, 148 USPQ 479 (1966); *Gillette Co. v. S.C. Johnson & Son, Inc.*, 16 USPQ2d 1923, 1927 (Fed. Cir. 1990). In light of this standard, it is respectfully submitted that the cited art, as a whole, is not suggestive of the presently claimed invention.

As the Federal Circuit has recognized, obviousness is not established merely by combining references having different individual elements of pending claims. *Ex parte Levengood*, 28 U.S.P.Q.2d 1300 (Bd. Pat. App. & Inter. 1993). MPEP 2143.01. Rather, there must be some suggestion, outside of Applicant's disclosure, in the prior art to combine such references, and a reasonable expectation of success must be both found in the prior art, and not based on Applicant's disclosure. *In re Vaack*, 20 U.S.P.Q.2d 1436 (Fed. Cir. 1991). In the present case, neither a suggestion nor motivation to combine the prior art disclosures, nor any reasonable expectation of success has been shown.

Furthermore, it is impermissible to use the claimed invention as an instruction manual or "template" to piece together the teachings of the cited art so that the claimed invention is rendered obvious. Specifically, one cannot use hindsight reconstruction to pick and choose among isolated disclosures in the art to deprecate the claimed invention. Further, it is impermissible to pick and choose from any one reference only so much of it as will support a given position, to the exclusion of other parts necessary to the full appreciation of what such

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reference fairly suggests to one of ordinary skill in the art. The present Section 103 rejection appears to be based on a combination of teachings selected from multiple patents in an attempt to arrive at the claimed invention. Specifically Gelber et al. is cited for its teaching of a main control coupled to an RF device, and Torimitsu is cited for its teaching of signal receivers that each may be provided with signal transmit-receive means for receiving the electric signals from the food storage apparatuses through a telephone line and for transmitting the electric signals to an external device therefrom through the telephone line. Since there is no teaching nor suggestion in the cited art for the claimed combination, the Section 103 rejection appears to be based on a hindsight reconstruction in which isolated disclosures have been picked and chosen in an attempt to deprecate the present invention. Of course, such a combination is impermissible, and for this reason alone, Applicant respectfully requests that the Section 103 rejection of Claims 2, 5-7, 9-26, 28-29, 31-36, 38, and 47-69 be withdrawn.

Further, and to the extent understood, neither Torimitsu nor Gelber et al., alone or in combination, describe or suggest the claimed combination, and as such, the presently pending claims are patentably distinguishable from the cited combination. Specifically, Claim 2 recites a method for assembling a control for use with a cooling device, wherein the method includes "providing an attached control that is configured to control the cooling device; and installing a wireless interface in the attached control, wherein the wireless interface comprises at least one of a satellite interface, an infra-red interface, and a radio frequency (RF) interface".

Neither Torimitsu nor Gelber et al. describe or suggest a method for assembling a control for use with a cooling device, wherein the method includes providing an attached control that is configured to control the cooling device, and installing a wireless interface in the attached control, wherein the wireless interface includes at least one of a satellite interface, an infra-red interface, and an RF interface. Rather, Gelber et al. describe a main control separated from a refrigerator system, and Torimitsu describe signal receivers that each may be provided with signal transmit-receive means for receiving the electric signals from the food storage apparatuses

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through a telephone line and for transmitting the electric signals to an external device therefrom through the telephone line. For the reasons set forth above, Claim 2 is submitted to be patentable over Torimitsu in view of Gelber et al.

Claim 6 recites a method for controlling a cooling device, wherein the method includes "providing a cooling device comprising at least one of a refrigerator, a refrigerator/freezer, and a freezer; and providing a control device in wireless communication with the cooling device and configured to control the cooling device via an attached control of the cooling device".

Neither Torimitsu nor Gelber et al., alone or in combination, describe or suggest a method including providing a cooling device including at least one of a refrigerator, a refrigerator/freezer, and a freezer, and providing a control device in wireless communication with the cooling device and configured to control the cooling device via an attached control of the cooling device. Rather, Gelber et al. describe a main control separated from a refrigerator system, and Torimitsu describe signal receivers that each may be provided with signal transmit-receive means for receiving the electric signals from the food storage apparatuses through a telephone line and for transmitting the electric signals to an external device therefrom through the telephone line. For the reasons set forth above, Claim 6 is submitted to be patentable over Torimitsu in view of Gelber et al.

Claims 5 and 7 depend from independent Claim 6. When the recitations of Claims 5 and 7 are considered in combination with the recitations of Claim 6, Applicant submits that dependent Claims 5 and 7 likewise are patentable over Torimitsu in view of Gelber et al.

Claim 9 recites a method for controlling a cooling device, wherein the method includes "providing a cooling device including an attached control; and providing a control device in wireless communication with the cooling device and configured to control the cooling device via the attached control, wherein the control device includes a memory configured to store data regarding the cooling device".

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Neither Torimitsu nor Gelber et al., alone or in combination, describe or suggest a method including providing a cooling device including an attached control, and providing a control device in wireless communication with the cooling device and configured to control the cooling device via the attached control, wherein the control device includes a memory configured to store data regarding the cooling device. Moreover, neither Torimitsu nor Gelber et al., alone or in combination, describe or suggest a method including providing a control device in wireless communication with the cooling device and configured to control the cooling device via the attached control, wherein the control device includes a memory configured to store data regarding the cooling device. Rather, Gelber et al. describe a main control separated from a refrigerator system, and Torimitsu describe signal receivers that each may be provided with signal transmit-receive means for receiving the electric signals from the food storage apparatuses through a telephone line and for transmitting the electric signals to an external device therefrom through the telephone line. For the reasons set forth above, Claim 9 is submitted to be patentable over Torimitsu in view of Gelber et al.

Claims 10-22 depend from independent Claim 9. When the recitations of Claims 10-22 are considered in combination with the recitations of Claim 9, Applicant submits that dependent Claims 10-22 likewise are patentable over Torimitsu in view of Gelber et al.

Claim 23 recites a method for controlling a plurality of cooling devices, wherein the method includes "installing a wireless interface in each cooling device; controlling the cooling devices with a wireless control device; and maintaining a location database that identifies a location for each cooling device".

Neither Torimitsu nor Gelber et al., alone or in combination, describe or suggest a method including installing a wireless interface in each cooling device, controlling the cooling devices with a wireless control device, and maintaining a location database that identifies a location for each cooling device. Moreover, neither Torimitsu nor Gelber et al., alone or in



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combination, describe or suggest a method including maintaining a location database that identifies a location for each cooling device. Rather, Gelber et al. describe a main control separated from a refrigerator system, and Torimitsu describe signal receivers that each may be provided with signal transmit-receive means for receiving the electric signals from the food storage apparatuses through a telephone line and for transmitting the electric signals to an external device therefrom through the telephone line. For the reasons set forth above, Claim 23 is submitted to be patentable over Torimitsu in view of Gelber et al.

Claims 24-26 and 28 depend, directly or indirectly, from independent Claim 23. When the recitations of Claims 24-26 and 28 are considered in combination with the recitations of Claim 23, Applicant submits that dependent Claims 24-26 and 28 likewise are patentable over Torimitsu in view of Gelber et al.

Claim 29 recites a method for assembling a cooling device, wherein the method includes "providing a wireless interface configured to transmit cooling device data including current temperature and status of at least one of a compressor and an evaporator; and installing the wireless interface in a cooling device such that the cooling device is controllable via wireless communication".

Neither Torimitsu nor Gelber et al., alone or in combination, describe or suggest a method including providing a wireless interface configured to transmit cooling device data including current temperature and status of at least one of a compressor and an evaporator, and installing the wireless interface in a cooling device such that the cooling device is controllable via wireless communication. Moreover, neither Torimitsu nor Gelber et al., alone or in combination, describe or suggest a method including providing a wireless interface configured to transmit cooling device data including current temperature and status of at least one of a compressor and an evaporator. Rather, Gelber et al. describe a main control separated from a refrigerator system, and Torimitsu describe signal receivers that each may be provided with

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signal transmit-receive means for receiving the electric signals from the food storage apparatuses through a telephone line and for transmitting the electric signals to an external device therefrom through the telephone line. For the reasons set forth above, Claim 29 is submitted to be patentable over Torimitsu in view of Gelber et al.

Claims 31-34 depend, directly or indirectly, from independent Claim 29. When the recitations of Claims 31-34 are considered in combination with the recitations of Claim 29, Applicant submits that dependent Claims 31-34 likewise are patentable over Torimitsu in view of Gelber et al.

Claim 35 recites a method for controlling a cooling device including a wireless interface, wherein the method includes "providing a wireless control device; and inputting into the wireless control device at least one defrost parameter regarding at least one of a defrost interval, a defrost duration, and a defrost method for the cooling device".

Neither Torimitsu nor Gelber et al., alone or in combination, describe or suggest a method including providing a wireless control device, and inputting into the wireless control device at least one defrost parameter regarding at least one of a defrost interval, a defrost duration, and a defrost method for the cooling device. Moreover, neither Torimitsu nor Gelber et al., alone or in combination, describe or suggest a method including inputting into the wireless control device at least one defrost parameter regarding at least one of a defrost interval, a defrost duration, and a defrost method for the cooling device. Rather, Gelber et al. describe a main control separated from a refrigerator system, and Torimitsu describe signal receivers that each may be provided with signal transmit-receive means for receiving the electric signals from the food storage apparatuses through a telephone line and for transmitting the electric signals to an external device therefrom through the telephone line. For the reasons set forth above, Claim 35 is submitted to be patentable over Torimitsu in view of Gelber et al.

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Claims 36 and 38 depend from independent Claim 35. When the recitations of Claims 36 and 38 are considered in combination with the recitations of Claim 35, Applicant submits that dependent Claims 36 and 38 likewise are patentable over Torimitsu in view of Gelber et al.

Claim 47 recites a system for cooling product, wherein the system includes "a cooling device; and a control device in wireless communication with said cooling device, wherein said control device comprises a memory configured to store data regarding the cooling device therein".

Neither Torimitsu nor Gelber et al., alone or in combination, describe or suggest a system including a cooling device, and a control device in wireless communication with the cooling device, wherein the control device includes a memory configured to store data regarding the cooling device therein. Moreover, neither Torimitsu nor Gelber et al., alone or in combination, describe or suggest a system including a cooling device and a control device wherein the control device includes a memory configured to store data regarding the cooling device therein. Rather, Gelber et al. describe a main control separated from a refrigerator system, and Torimitsu describe signal receivers that each may be provided with signal transmit-receive means for receiving the electric signals from the food storage apparatuses through a telephone line and for transmitting the electric signals to an external device therefrom through the telephone line. For the reasons set forth above, Claim 47 is submitted to be patentable over Torimitsu in view of Gelber et al.

Claims 48-59 depend directly from independent Claim 47. When the recitations of Claims 48-59 are considered in combination with the recitations of Claim 47, Applicant submits that dependent Claims 48-59 likewise are patentable over Torimitsu in view of Gelber et al.

Claim 60 recites a cooling system including "a plurality of cooling devices each comprising a wireless interface; and a control device in wireless communication with each said cooling device, wherein said control device comprises an asset owner database that includes data identifying an owner of each said cooling device".

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Neither Torimitsu nor Gelber et al., alone or in combination, describe or suggest a system including a plurality of cooling devices each including a wireless interface, and a control device in wireless communication with each cooling device, wherein the control device includes an asset owner database that includes data identifying an owner of each cooling device. Moreover, neither Torimitsu nor Gelber et al., alone or in combination, describe or suggest a system including a control device that includes an asset owner database that includes data identifying an owner of each cooling device. Rather, Gelber et al. describe a main control separated from a refrigerator system, and Torimitsu describe signal receivers that each may be provided with signal transmit-receive means for receiving the electric signals from the food storage apparatuses through a telephone line and for transmitting the electric signals to an external device therefrom through the telephone line. For the reasons set forth above, Claim 60 is submitted to be patentable over Torimitsu in view of Gelber et al.

Claims 61-65 depend directly from independent Claim 60. When the recitations of Claims 61-65 are considered in combination with the recitations of Claim 60, Applicant submits that dependent Claims 61-65 likewise are patentable over Torimitsu in view of Gelber et al.

Claim 66 recites a computer configured to "wirelessly communicate with a cooling device; receive from a user at least one parameter for the cooling device, and wirelessly transmit the received parameter to an attached control of the cooling device".

Neither Torimitsu nor Gelber et al., alone or in combination, describe or suggest a computer configured to wirelessly communicate with a cooling device, receive from a user at least one parameter for the cooling device, and wirelessly transmit the received parameter to an attached control of the cooling device. Moreover, neither Torimitsu nor Gelber et al., alone or in combination, describe or suggest a computer configured to wirelessly transmit the received parameter to an attached control of the cooling device. Rather, Gelber et al. describe a main control separated from a refrigerator system, and Torimitsu describe signal receivers that each

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may be provided with signal transmit-receive means for receiving the electric signals from the food storage apparatuses through a telephone line and for transmitting the electric signals to an external device therefrom through the telephone line. For the reasons set forth above, Claim 66 is submitted to be patentable over Torimitsu in view of Gelber et al.

Claims 67-69 depend directly from independent Claim 66. When the recitations of Claims 67-69 are considered in combination with the recitations of Claim 66, Applicant submits that dependent Claims 67-69 likewise are patentable over Torimitsu in view of Gelber et al.

For the reasons set forth above, Applicant respectfully requests that the Section 103 rejection of Claims 2, 5-7, 9-26, 28-29, 31-36, 38, and 47-69 be withdrawn.

The rejection of Claims 2-3, 6, 8, 39, and 41-46 under 35 U.S.C. § 103(a) as being unpatentable over Torimitsu in view of Efron et al. (U.S. Patent No. 6,357,243) is respectfully traversed.

Torimitsu is described above. Efron et al. describe utilizing a power line carrier (PLC) technology and other signal transmission systems such as radio frequency, radar, infrared, visible light, and ultrasound. (Col. 4, lines 23-26).

Applicant respectfully submits that the Section 103 rejection of the presently pending claims is not a proper rejection. As is well established, obviousness cannot be established by combining the teachings of the cited art to produce the claimed invention, absent some teaching, suggestion, or incentive supporting the combination. Neither Torimitsu nor Efron et al., considered alone or in combination, describe or suggest the claimed combination. Furthermore, in contrast to the assertion within the Office Action, Applicant respectfully submits that it would not be obvious to one skilled in the art to combine Torimitsu with Efron et al. because there is no motivation to combine the references suggested in the art. Additionally, the Examiner has not pointed to any prior art that teaches or suggests to combine the disclosures, other than

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Applicant's own teaching. Rather, only the conclusory statement that "[i]t would have been obvious to one skilled in the art at the time the invention was made to have modified the system of Torimitsu, such that it included the use of an infrared interface in order to provide wireless communication in the refrigeration system in view of the teachings in Efron" suggests combining the disclosures. Applicant respectfully traverses this conclusory assertion.

In the present case, neither a suggestion nor motivation to modify the cited art, nor any reasonable expectation of success has been shown in the cited prior art. Specifically, no teaching, or suggestion has been shown to modify the refrigeration system described by Torimitsu to include other signal transmission systems such as radio frequency, radar, infrared, visible light, and ultrasound described by Efron et al. Rather as explained below Torimitsu and Efron et al. teach away from claimed invention.

Specifically, the combination of Torimitsu and Efron et al. does not teach a method including the steps of providing an attached control that is configured to control a cooling device, and installing a wireless interface in the attached control, wherein the wireless interface includes at least one of a satellite interface, an infra-red interface, and a radio frequency (RF) interface. Rather, Torimitsu describes signal receivers that each may be provided with signal transmit-receive means for receiving the electric signals from the food storage apparatuses through a telephone line and for transmitting the electric signals to an external device therefrom through the telephone line, which clearly teaches away from an attached control with a wireless interface installed. And Efron et al. describe other signal transmission systems such as radio frequency, radar, infrared, visible light, and ultrasound, which clearly teaches away from signal transmit-receive means for receiving the electric signals from the food storage apparatuses through a telephone line and for transmitting the electric signals to an external device therefrom through the telephone line. Additionally, because Torimitsu describe a cooling controller (17) and signal transmit-receive means for receiving the electric signals from the food storage apparatuses through a telephone line, and Efron et al. describe other signal transmission systems such as

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radio frequency, radar, infrared, visible light, and ultrasound, Efron et al. and Torimitsu teach away from each other. Therefore, Applicant respectfully submits that no motivation nor teaching for the modifications can be found within either Torimitsu or Efron et al.

If art "teaches away" from a claimed invention, such a teaching supports the nonobviousness of the invention. *U.S. v. Adams*, 148 USPQ 479 (1966); *Gillette Co. v. S.C. Johnson & Son, Inc.*, 16 USPQ2d 1923, 1927 (Fed. Cir. 1990). In light of this standard, it is respectfully submitted that the cited art, as a whole, is not suggestive of the presently claimed invention.

As the Federal Circuit has recognized, obviousness is not established merely by combining references having different individual elements of pending claims. *Ex parte Levengood*, 28 U.S.P.Q.2d 1300 (Bd. Pat. App. & Inter. 1993). MPEP 2143.01. Rather, there must be some suggestion, outside of Applicant's disclosure, in the prior art to combine such references, and a reasonable expectation of success must be both found in the prior art, and not based on Applicant's disclosure. *In re Vaeck*, 20 U.S.P.Q.2d 1436 (Fed. Cir. 1991). In the present case, neither a suggestion nor motivation to combine the prior art disclosures, nor any reasonable expectation of success has been shown.

Furthermore, it is impermissible to use the claimed invention as an instruction manual or "template" to piece together the teachings of the cited art so that the claimed invention is rendered obvious. Specifically, one cannot use hindsight reconstruction to pick and choose among isolated disclosures in the art to deprecate the claimed invention. Further, it is impermissible to pick and choose from any one reference only so much of it as will support a given position, to the exclusion of other parts necessary to the full appreciation of what such reference fairly suggests to one of ordinary skill in the art. The present Section 103 rejection appears to be based on a combination of teachings selected from multiple patents in an attempt to arrive at the claimed invention. Specifically Torimitsu is cited for its teaching of signal receivers

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that each may be provided with signal transmit-receive means for receiving the electric signals from the food storage apparatuses through a telephone line and for transmitting the electric signals to an external device therefrom through the telephone line, and Efron et al. is cited for its teaching of signal transmission systems such as radio frequency, radar, infrared, visible light, and ultrasound. Since there is no teaching nor suggestion in the cited art for the claimed combination, the Section 103 rejection appears to be based on a hindsight reconstruction in which isolated disclosures have been picked and chosen in an attempt to deprecate the present invention. Of course, such a combination is impermissible, and for this reason alone, Applicant respectfully requests that the Section 103 rejection of Claims 2-3, 6, 8, 39, and 41-46 be withdrawn.

Further, and to the extent understood, neither Torimitsu nor Efron et al., alone or in combination, describe or suggest the claimed combination, and as such, the presently pending claims are patentably distinguishable from the cited combination. Specifically, Claim 2 recites a method for assembling a control for use with a cooling device, wherein the method includes "providing an attached control that is configured to control the cooling device; and installing a wireless interface in the attached control, wherein the wireless interface comprises at least one of a satellite interface, an infra-red interface, and a radio frequency interface".

Neither Torimitsu nor Efron et al., alone or in combination, describe or suggest a method for assembling a control for use with a cooling device, wherein the method includes providing an attached control that is configured to control the cooling device, and installing a wireless interface in the attached control, wherein the wireless interface includes at least one of a satellite interface, an infra-red interface, and a RF interface. Rather, Torimitsu describes signal receivers that each may be provided with signal transmit-receive means for receiving the electric signals from the food storage apparatuses through a telephone line and for transmitting the electric signals to an external device therefrom through the telephone line, and Efron et al. describe signal transmission systems such as radio frequency, radar, infrared, visible light, and ultrasound.



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For the reasons set forth above, Claim 2 is submitted to be patentable over Torimitsu in view of Efron et al.

Claim 3 depends from independent Claim 2. When the recitations of Claim 3 are considered in combination with the recitations of Claim 2, Applicant submits that dependent Claim 3 likewise is patentable over Torimitsu in view of Efron et al.

Claim 6 recites a method for controlling a cooling device, wherein the method includes "providing a cooling device comprising at least one of a refrigerator, a refrigerator/freezer, and a freezer; and providing a control device in wireless communication with the cooling device and configured to control the cooling device via an attached control of the cooling device".

Neither Torimitsu nor Efron et al., alone or in combination, describe or suggest a method including providing a cooling device including at least one of a refrigerator, a refrigerator/freezer, and a freezer, and providing a control device in wireless communication with the cooling device and configured to control the cooling device via an attached control of the cooling device. Rather, Torimitsu describes signal receivers that each may be provided with signal transmit-receive means for receiving the electric signals from the food storage apparatuses through a telephone line and for transmitting the electric signals to an external device therefrom through the telephone line, and Efron et al. describe signal transmission systems such as radio frequency, radar, infrared, visible light, and ultrasound. For the reasons set forth above, Claim 6 is submitted to be patentable over Torimitsu in view of Efron et al.

Claim 8 depends from independent Claim 6. When the recitations of Claim 8 are considered in combination with the recitations of Claim 6, Applicant submits that dependent Claims 8 likewise is patentable over Torimitsu in view of Efron et al.

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Claim 39 recites a system for controlling a cooling device, wherein the system includes "an attached control; and a wireless interface operationally coupled to said attached control, said wireless interface comprising at least one of a satellite interface and an infra-red interface."

Neither Torimitsu nor Efron et al. describe or suggest a system that includes an attached control and a wireless interface operationally coupled to the attached control, wherein the wireless interface comprising at least one of a satellite interface and an infra-red interface. Moreover, neither Torimitsu nor Efron et al. describe or suggest an attached control and a wireless interface operationally coupled to the attached control. Rather, Torimitsu describes signal receivers that each may be provided with signal transmit-receive means for receiving the electric signals from the food storage apparatuses through a telephone line and for transmitting the electric signals to an external device therefrom through the telephone line, and Efron et al. describe signal transmission systems such as radio frequency, radar, infrared, visible light, and ultrasound. For the reasons set forth above, Claim 39 is submitted to be patentable over Torimitsu in view of Efron et al.

Claim 41 depends from independent Claim 39. When the recitations of Claim 41 are considered in combination with the recitations of Claim 39, Applicant submits that dependent Claim 41 likewise is patentable over Torimitsu in view of Efron et al.

Claim 42 recites a system for cooling product, wherein the system includes "a cooling device comprising at least one of a satellite interface and an infra-red interface; and a control device in wireless communication with said cooling device".

Neither Torimitsu nor Efron et al., alone or in combination, describe or suggest a system including a cooling device including at least one of a satellite interface and an infra-red interface, and a control device in wireless communication with the cooling device. Moreover, neither Torimitsu nor Efron et al., alone or in combination, describe or suggest a system including a cooling device including at least one of a satellite interface and an infra-red interface. Rather,

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Torimitsu describes signal receivers that each may be provided with signal transmit-receive means for receiving the electric signals from the food storage apparatuses through a telephone line and for transmitting the electric signals to an external device therefrom through the telephone line, and Efron et al. describe signal transmission systems such as radio frequency, radar, infrared, visible light, and ultrasound. For the reasons set forth above, Claim 42 is submitted to be patentable over Torimitsu in view of Efron et al.

Claims 43-46 depend from independent Claim 42. When the recitations of Claims 43-46 are considered in combination with the recitations of Claim 42, Applicant submits that dependent Claims 43-46 likewise are patentable over Torimitsu in view of Efron et al.

For at least the reasons set forth above, Applicant respectfully requests that the Section 103 rejection of Claims 2-3, 6, 8, 39, and 41-46 be withdrawn.

In view of the foregoing remarks, all the claims now active in this application are believed to be in condition for allowance. Reconsideration and favorable action is respectfully solicited.

Respectfully Submitted,



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